

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

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KEITON SMITH,

Plaintiff,

v.

NDOC, *et al.*,

Defendants.

Case No. 2:22-cv-00872-CDS-EJY

ORDER

Pending before the Court is Plaintiff's Motion for Video Recording of Cell or Area Search. ECF No. 150. The Court is in receipt of Defendants' Response (ECF No. 152), which is mostly non-responsive to Plaintiff's Motion. The Court is also in receipt of Plaintiff's Reply (ECF No. 153).

The Court finds Plaintiff's moving papers did not seek injunctive relief (albeit Plaintiff makes this request in his Reply, which is denied).¹ The Court further finds Plaintiff provides adequate points and authorities to support his initial Motion. The Court also finds Plaintiff's Motion relates to missing documents following a search of his cell—such documents directly relate to Plaintiff's Eighth Amendment claims pending before the Court—that has sufficient nexus to his claims. The Court, as it does for all IFP prisoner plaintiffs, liberally construes the Motion.

IT IS HEREBY ORDERED that Plaintiff's Motion for Video Recording of Cell or Area Search (ECF No. 150) is GRANTED in part as follows:

1. Defendants must no later than **March 24, 2025**, file a report with the Court advising if there is any record, whether video, audio, or in a paper format, of the search of Plaintiff's cell to which he refers in his Motion.

¹ Plaintiff's Reply sets out the standard for injunctive relief and argues irreparable harm. Raising injunctive relief in Reply fails to provide Defendants with a meaningful opportunity to respond to Plaintiff's request. If Plaintiff seeks an order granting injunctive relief, he may refile a separate motion arguing he meets the standard for such relief thereby giving Defendants the opportunity to oppose such a motion.

3. If Defendants contend nothing was taken from Plaintiff's cell during the search, Defendants are to file a declaration to that effect with the Court.

Dated this 3rd day of March, 2025.

2